

REMARKS

Claims 1-22 are pending.

The allowance of claims 20-22 is noted with appreciation, as is the indication that claims 16 and 17 would be allowable if rewritten in independent form. Claim 16 has been amended to be in independent form.

Claims 1-15, 18 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,111,740 ("the '740 patent") in view of U.S. Patent No. 3,336,857 to Knodt.

The '740 patent does not disclose a housing (claims 1-5 and 18) or outer member (claim 19) having a closed end and an open end sealed by a lid, as recited in claim 1. As recognized in the Office action, the filter carrier 14 of the '740 patent has an open end sealed by an upper closure 12. However, the filter carrier 14 also has another open end that is sealed by a lower closure 32: "the upper closure 12 and the lower closure 32 and filter carrier 14 together hermetically enclose the flavour substance...." (Col. 7, ll. 18-20.) Thus, the filter carrier 14 has two open ends, each closed by a separate closure 12 and 32, and does not have the closed end recited in claims 1-15, 18 and 19.

In the '740 patent, both the open upper end and the open lower end of the filter carrier 14 are used during operation of the filter unit 11. Specifically, the upper closure 12, covering the open upper end of the filter carrier 14, is pierced by the hot water outlets 10 of the shower head 9. The lower closure 32, covering the open lower end of the filter carrier 14, is torn by a moveable pushpin 31 to open "the way for the brew to exit from the bottom of the filter unit." (See col. 7, ll. 24-31.)

Knodt also does not disclose a housing or outer member having a closed first end and an open second end. Knodt discloses a cartridge container 126 having both an open first end and an open second end. More specifically, the upper end of the cartridge container 126 of Knodt has a spreader plate 127 having openings 128 therein, and the lower end of the cartridge container 126

has a bottom portion 126 provided with a plurality of openings 137. (Col. 4, ll. 57-69.

Given that both the '740 patent and Knodt fail to disclose housings or cartridge containers having both a closed end and an open end, their proposed combination also will not have such a housing.

With respect to claim 19, the '740 patent does not disclose a flow path that extends between the storage chamber and the discharge spout of the inner member at a portion of the inner member opposite the outlet. Instead, the flow path that extends between the interior of the filter carrier 14 and the outlet is through openings positioned at a portion of the central member of the filter carrier 14 adjacent the outlet of the central member. Knodt also fails to disclose such a flow path.

For the reasons set forth above, claims 1-22 are believed to be allowable, and reconsideration of claims 1-15, 18 and 19 and allowance of claims 1-22 are respectfully requested.

The Commissioner is hereby authorized to charge any which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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Date: August 27, 2007

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